

REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

Claims 1-40 are pending in the application, with claims 1, 18, 35, and 38 being independent claims. Claims 1, 17, 18, 21, 34, 35, 37, 38, and 40 are amended for clarification herein. Support for the claim amendments can be found in the original specification at least at paragraphs [0007]-[0008] and [0031]. No new matter has been added.

§103 REJECTIONS

A. Claims 1, 3-6, 10-12, 17, 18, 20-23, 27-29, and 34-37 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent Application Publication No. 2002/0184310 to Traversat et al. (“Traversat”) in view of U.S. Patent No. 7,031,288 to Ogier et al. (“Ogier”). Applicant respectfully traverses the rejection.

Nevertheless, without conceding the propriety of the rejection, and in the interest of expediting allowance of the application, independent claims 1, 18, and 35 are herein amended for clarification and are believed to be allowable.

Independent claim 1, as presently amended, recites in part:

transmitting a query by a computing device in a domain; **receiving**, by the computing device, a response to the query ...; applying, by the computing device, a predetermined criteria to select one NC group; **joining** ...; and

when a length of time between a subsequent query from the computing device and other computing devices in the selected NC group exceeds a predetermined threshold:

removing the computing device from the initial NC group; and

joining the computing device to a different NC group

Applicant respectfully submits that Traversat and Ogier fail to disclose, teach, or suggest the features of independent claim 1.

Traversat and Ogier, either taken alone or in combination, fail to disclose, teach or suggest the features of independent claim 1.

Traversat describes a “system and method for providing peer groups in a peer-to-peer environment.” (Traversat, Abstract). Traversat outlines what “peer groups” are in the context of the system and method described by Traversat. (Id.). Further, Traversat describes how peers may discover existing peer groups and join the existing peer groups, or how peers may create new peer groups. (Id.).

However, in contrast to independent claim 1, Traversat discusses a change in information responsive to a topology change, while independent claim 1 discusses a change in topology responsive to received information. Thus, Traversat fails to disclose, teach, or suggest “**transmitting a query by a computing**

*device in a domain; **receiving**, by the computing device, a response to the query ...; applying, by the computing device, a predetermined criteria to select one NC group; **joining** ...; and when a length of time between a subsequent query from the computing device and other computing devices in the selected NC group exceeds a predetermined threshold: **removing** the computing device from the initial NC group; and **joining** the computing device to a different NC group”* as recited in independent claim 1. Thus, Traversat fails to disclose, teach, or suggest the features of independent claim 1 amended as discussed in the interview.

Ogier fails to remedy the deficiencies in Traversat with regard to independent claim 1. Ogier is directed to a protocol for discovering a new neighbor node and detecting the loss of an existing neighbor node in a network. (Ogier, Abstract). Ogier further describes communication between nodes, including identifying neighboring nodes and looking for a change in a communications state associated with the neighboring nodes. (Id.).

However, in contrast to independent claim 1, Ogier also discusses a change in information responsive to a topology change, while independent claim 1 discusses a change in topology responsive to received information. Thus, Ogier fails to disclose, teach, or suggest *“**transmitting** a query by a computing device in a domain; **receiving**, by the computing device, a response to the query ...; applying, by the computing device, a predetermined criteria to select one NC group; **joining** ...; and when a length of time between a subsequent query from the computing device and other computing devices in the selected NC group exceeds a*

predetermined threshold: removing the computing device from the initial NC group; and joining the computing device to a different NC group” as recited in independent claim 1. Thus, Ogier fails to remedy the deficiencies in Traversat with respect to independent claim 1, since Ogier fails to disclose, teach, or suggest the features of independent claim 1.

Therefore, one skilled in the art will not be led by the teachings of Traversat or Ogier to make changes in network topology as described in independent claim 1, since both Traversat and Ogier are surveying for changes in network topology, so that they can update and maintain communication link data.

Thus, Traversat and Ogier, whether taken alone or in combination (assuming for the sake of argument that they can be combined), fail to disclose, teach, or suggest the features of independent claim 1 amended as discussed in the interview. Accordingly, independent claim 1 is allowable for at least these reasons.

Dependent claims 3-6, 10-12, and 17 depend from independent claim 1 and are, therefore, allowable by virtue of this dependency as well as for additional features that each recites.

Independent claim 18, as presently amended, recites in part:

transmitting a query by an initial computing device in a domain...; **receiving**, by the initial computing device, a response to the query ...;

if a latency in response times between the initial computing device and other computing devices within the initial NC group is unacceptable, then:

... **removing** the initial computing device from the initial NC group; and

joining the initial computing device to the selected NC group, wherein computing devices within the selected NC group have a **latency** in response time with the initial computing device that is **acceptable**

Applicant respectfully submits that Traversat and Ogier fail to disclose, teach, or suggest the features of independent claim 18.

As discussed above, Traversat and Ogier discuss surveying for changes in network topology, so that they can update and maintain communication link data. However, Traversat and Ogier, whether taken alone or in combination fail to disclose, teach, or suggest *“transmitting a query by an initial computing device in a domain...; receiving, by the initial computing device, a response to the query ...; if a latency in response times between the initial computing device and other computing devices within the initial NC group is unacceptable, then: ... removing the initial computing device from the initial NC group; and joining the initial computing device to the selected NC group, wherein computing devices within the selected NC group have a latency in response time with the initial computing device that is acceptable”* as recited in independent claim 18.

Thus, Traversat and Ogier, whether taken alone or in combination (assuming for the sake of argument that they can be combined), fail to disclose, teach, or suggest the features of independent claim 18 amended as discussed in the

interview. Accordingly, independent claim 18 is allowable for at least these reasons.

Dependent claims 20-23, 27-29, and 34 depend from independent claim 18 and are, therefore, allowable by virtue of this dependency as well as for additional features that each recites.

Independent claim 35, as presently amended, recites in part:

transmitting a query by an initial computing device in a domain...; **receiving**, by the initial computing device, a **group** response to the query ...; and
when a length of time between the query and each group response exceeds a predetermined threshold, **removing** the initial computing device from the initial NC group

Applicant respectfully submits that Traversat and Ogier fail to disclose, teach, or suggest the features of independent claim 35.

As discussed above, Traversat and Ogier discuss surveying for changes in network topology, so that they can update and maintain communication link data. However, Traversat and Ogier, whether taken alone or in combination fail to disclose, teach, or suggest “***transmitting** a query by an initial computing device in a domain...; **receiving**, by the initial computing device, a **group** response to the query ...; and when a length of time between the query and each group response exceeds a predetermined threshold, **removing** the initial computing device from the initial NC group*” as recited in independent claim 35.

Thus, Traversat and Ogier, whether taken alone or in combination (assuming for the sake of argument that they can be combined), fail to disclose, teach, or suggest the features of independent claim 35 amended as discussed in the interview. Accordingly, independent claim 35 is allowable for at least these reasons.

Dependent claims 36 and 37 depend from independent claim 35 and are, therefore, allowable by virtue of this dependency as well as for additional features that each recites.

B. Claims 2, 7-9, 13-16, 19, 24-26, 30-33, and 38-40 stand rejected under 35 U.S.C. § 103(a) as being obvious over Traversat in view of Ogier, and in further view of U.S. Patent No. 7,302,256 to O'Hara, Jr. et al. ("O'Hara"). Applicant respectfully traverses the rejection.

i. Dependent claims 2, 7-9, and 13-16 depend from independent claim 1 and **dependent claims 19, 24-26, and 30-33** depend from independent claim 18. Thus, dependent claims 2, 7-9, 13-16, 19, 24-26, and 30-33 are, therefore, allowable by virtue of this dependency as well as for additional features that each recites.

As discussed above, Traversat and Ogier fail to disclose, teach, or suggest the features of independent claims 1 and 18. O'Hara fails to remedy the deficiencies in Traversat and Ogier with regard to independent claims 1 and 18.

O'Hara is directed to a "wireless discovery mechanism that facilitates the deployment and configuration of managed access elements in a wireless network system." (O'Hara, Abstract). Specifically, O'Hara discusses a system whereby un-configured access elements communicate with configured access elements by exchanging configuration information through wireless messages. (Id.). Once configured, the previously un-configured elements use the same techniques to communicate with currently un-configured elements, and the pattern continues. (Id.).

However, O'Hara fails to disclose, teach, or suggest *"transmitting a query by a computing device in a domain; **receiving**, by the computing device, a response to the query ...; applying, by the computing device, a predetermined criteria to select one NC group; **joining** ...; and when a length of time between a subsequent query from the computing device and other computing devices in the selected NC group exceeds a predetermined threshold: **removing** the computing device from the initial NC group; and **joining** the computing device to a different NC group"* as recited in independent claim 1, or *"transmitting a query by an initial computing device in a domain...; **receiving**, by the initial computing device, a response to the query ...; if a latency in response times between the initial computing device and other computing devices within the initial NC group is unacceptable, then: ... **removing** the initial computing device from the initial NC group; and **joining** the initial computing device to the selected NC group, wherein computing devices within the selected NC group have a **latency** in response time*

with the initial computing device that is **acceptable**” as recited in independent claim 18. Thus, O’Hara fails to remedy the deficiencies in Traversat and Ogier with respect to independent claims 1 and 18, since O’Hara fails to disclose, teach, or suggest the features of independent claims 1 and 18.

Thus, Traversat, Ogier, and O’Hara, whether taken alone or in combination (assuming for the sake of argument that they can be combined), fail to disclose, teach, or suggest the features of independent claims 1 and 18 amended as discussed in the interview. Accordingly, Traversat, Ogier, and O’Hara, whether taken alone or in combination, fail to disclose, teach, or suggest the features of dependent claims 2, 7-9, 13-16, 19, 24-26, and 30-33, due to their dependency on independent claims 1 and 18. Dependent claims 2, 7-9, 13-16, 19, 24-26, and 30-33 are allowable for at least these reasons.

ii. **Regarding independent claim 38:** without conceding the propriety of the rejection and in the interest of expediting allowance of the application, independent claim 38 is herein amended for clarification and is believed to be allowable.

Independent claim 38, as presently amended, recites in part:

transmitting a query by an initial computing device
in a domain, ...;
receiving by the initial computing device: a **group**
response to the query ...; and
an **other group** response to the query ...;
when a length of time between the query and each
said group response exceeds a predetermined threshold:

applying, by the initial computing device, a predetermined criteria ... consisting of:

the **number** of said computing devices in the selected NC group;

a **length of time** between the query and the other group response from the selected NC group; and

a **combination** of the foregoing;

removing the initial computing device from the initial NC group; and

joining the initial computing device to the selected NC group; and

updating software on computing devices in the selected NC group, wherein the updating comprises deploying software, uninstalling software, and providing security patches to installed software, and wherein the software updating includes setting the predetermined criteria to locate computing devices within the selected NC group according to backup needs of computing devices within the NC group

Applicant respectfully submits that Traversat, Ogier and O'Hara fail to disclose, teach, or suggest the features of independent claim 38.

As discussed above, Traversat, Ogier and O'Hara discuss surveying for changes in network topology to update and maintain communication link data, and discovery systems for configuring access points. However, Traversat, Ogier and O'Hara fail to disclose, teach, or suggest *“transmitting a query by an initial computing device in a domain ...; receiving by the initial computing device: a group response to the query ...; and an other group response to the query ...; when a length of time between the query and each said group response exceeds a predetermined threshold: applying, by the initial computing device, a predetermined criteria ... consisting of: the number of said computing devices in the selected NC group; a length of time between the query and the other*

group response from the selected NC group; and a combination of the foregoing; removing the initial computing device from the initial NC group; and joining the initial computing device to the selected NC group; and updating software on computing devices in the selected NC group, wherein the updating comprises deploying software, uninstalling software, and providing security patches to installed software, and wherein the software updating includes setting the predetermined criteria to locate computing devices within the selected NC group according to backup needs of computing devices within the NC group” as recited in independent claim 38.

Thus, Traversat, Ogier, and O’Hara, whether taken alone or in combination (assuming for the sake of argument that they can be combined), fail to disclose, teach, or suggest the features of independent claim 38 amended as discussed in the interview. Accordingly, independent claim 38 is allowable for at least these reasons.

Dependent claims 39 and 40 depend from independent claim 38 and are, therefore, allowable by virtue of this dependency as well as for additional features that each recites.

For example, while Traversat, Ogier, and O’Hara discuss surveying for changes in network topology to update and maintain communication link data, and discovery systems for configuring access points, Traversat, Ogier, and O’Hara fail to disclose, teach, or suggest “*wherein the predetermined criteria to select one said NC group ignores each said other group response from any said NC group*

for which the length of time between the query and the other group response exceeds a predetermined maximum; and the selected NC group is selected by a condition that is selected from the group consisting of: the length of time between the query and the corresponding other group response is least; or a number of said computing devices in the corresponding NC group as in contained in the corresponding other group response is least; and the number of members as contained in the corresponding other group response is least when more than one said NC group had the least length of time between the query and the corresponding other group response” as recited in dependent claim 39.

Thus, dependent claims 39 and 40 are allowable for at least these reasons.

CONCLUSION

For at least the foregoing reasons, claims 1-40 are in condition for allowance. Applicant respectfully requests reconsideration and withdrawal of the rejections and an early notice of allowance.

If any issue remains unresolved that would prevent allowance of this case, Applicant respectfully requests the Examiner to contact the undersigned representative to resolve the issue.

Respectfully submitted,

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Representatives for Applicant

/Patrick D.S. Reed/ Dated: April 13, 2009

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